

SENATE BILL 97

Unofficial Copy  
R4  
HB 127/00 - CGM

2001 Regular Session  
1r1013  
CF 1r1025

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By: **Senator Baker**

Introduced and read first time: January 15, 2001

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Drivers' Licenses - Graduated Licensing System - Provisional License**  
3 **Restrictions**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose certain  
5 restrictions on provisional drivers' licenses pertaining to seat belt and child  
6 safety seat use; providing a certain exception relating to certain individuals  
7 covered by medical exceptions; providing for the prospective application of this  
8 Act; and generally relating to license restrictions applicable to drivers who hold  
9 provisional drivers' licenses.

10 BY repealing and reenacting, with amendments,  
11 Article - Transportation  
12 Section 16-113  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2000 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Transportation**

18 16-113.

19 (a) (1) In addition to the vision and other restrictions provided for in this  
20 subtitle, when it issues a driver's license, the Administration for good cause may  
21 impose on the licensee:

22 (i) Any restrictions suitable to the licensee's driving ability with  
23 respect to the type of special mechanical control devices required on motor vehicles  
24 that the licensee may drive;

25 (ii) An alcohol restriction which prohibits the licensee from driving  
26 or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

1 (iii) Any other restrictions applicable to the licensee that the  
2 Administration determines appropriate to assure the safe driving of a motor vehicle  
3 by the licensee.

4 (2) An alcohol restriction that prohibits the licensee from driving or  
5 attempting to drive a motor vehicle while having alcohol in the licensee's blood may,  
6 as described in subsections (b) and [(g)] (H) of this section, include a restriction that  
7 prohibits the licensee from driving or attempting to drive a motor vehicle unless the  
8 licensee is a participant in the Ignition Interlock System Program established under  
9 § 16-404.1 of this title.

10 (b) (1) Notwithstanding the licensee's driving record, the Administration  
11 shall impose on each licensee under the age of 21 years an alcohol restriction that  
12 prohibits the licensee from driving or attempting to drive a motor vehicle with an  
13 alcohol concentration of 0.02 or more as determined by an analysis of the licensee's  
14 blood or breath.

15 (2) An alcohol restriction imposed under this subsection expires when  
16 the licensee reaches the age of 21 years.

17 (3) This subsection may not be construed or applied to limit:

18 (i) The authority of the Administration to impose on a licensee an  
19 alcohol restriction described in subsection (a)(2) of this section; or

20 (ii) The application of any other provision of law that prohibits  
21 consumption of an alcoholic beverage by an individual under the age of 21 years.

22 (4) An individual under the age of 21 years who is convicted of a violation  
23 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than  
24 3 years, to participate in the Ignition Interlock System Program in order to retain the  
25 individual's driver's license.

26 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the  
27 Administration may:

28 (i) Issue a special restricted license; or

29 (ii) Set forth the restrictions on the usual license form.

30 (2) The Administration shall indicate on the license of a licensee under  
31 the age of 21 years that an alcohol restriction has been imposed on the licensee under  
32 subsection (b) of this section.

33 (d) (1) Notwithstanding the licensee's driving record, the Administration  
34 shall impose an hour restriction on a provisional driver's license issued to an  
35 applicant under the age of 18.

1           (2)     The restriction under this subsection shall limit the holder of a  
2 provisional license to driving unsupervised only between the hours of 5 a.m. and 12  
3 midnight.

4           (3)     This subsection does not preclude the holder of a provisional license  
5 from driving between the hours of 12 midnight and 5 a.m. the following day if the  
6 licensee is:

7                   (i)     Accompanied and supervised by a licensed driver who is at least  
8 21 years old;

9                   (ii)    Driving to or from or in the course of the licensee's employment;

10                  (iii)   Driving to or from a school class or official school activity;

11                  (iv)   Driving to or from an organized volunteer program; or

12                  (v)     Driving to or from an opportunity to participate in an athletic  
13 event or related training session.

14           (4)     The hour restriction and the supervision requirement under this  
15 subsection expire on the date the holder of the provisional license turns 18 years of  
16 age.

17   (E)   (1)     NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, AND  
18 SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ADMINISTRATION SHALL  
19 IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S LICENSE PROHIBITING  
20 THE LICENSEE FROM OPERATING A MOTOR VEHICLE IF THE DRIVER AND EACH  
21 PASSENGER IN THE MOTOR VEHICLE ARE NOT RESTRAINED BY A SEAT BELT OR, IN  
22 ACCORDANCE WITH § 22-412.2 OF THIS ARTICLE, BY A CHILD SAFETY SEAT.

23           (2)     IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH (1)  
24 OF THIS SUBSECTION IF AN INDIVIDUAL COVERED BY A MEDICAL EXCEPTION UNDER  
25 § 22-412.2(F) OR § 22-413.3(D) AND (E) OF THIS ARTICLE IS NOT RESTRAINED.

26   [(e)]   (F)   (1)     In addition to the other restrictions provided under this  
27 subtitle, the Administration may issue:

28                   (i)     A driver's license that is valid only in the State of Maryland to  
29 an applicant who has been suspended in another jurisdiction as a result of failing to  
30 comply with the financial responsibility requirements of that jurisdiction; or

31                   (ii)    A temporary driver's license that is valid only in the State of  
32 Maryland to an applicant for reinstatement of a suspended or revoked driver's  
33 license, renewal of a driver's license, or a duplicate or corrected driver's license if, at  
34 the time of application:

35                           1.     The applicant's privilege to drive in another jurisdiction is  
36 revoked or suspended as a result of failing to comply with the licensing requirements



1 on or application to any provisional driver's license issued before the effective date of  
2 this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2001.